

PLEA AGREEMENT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

PEOPLE VS

Manuel Reynoso

CASE NUMBER

11CM16749

☒ Count(s) 3,4,5,7 dismissed on motion of People.

☐ Count(s) _____ sentence suspended.

☐ Count(s) _____ stayed pursuant to PC 654.

TERMS

☒ Imposition ☐ Execution of sentence is suspended. 5 years

☐ Formal ☒ Informal PROBATION as to Count(s) 1,2,6,8,10

☒ Violate no laws ☒ Obey all orders and rules of Court, Probation Department & Jail.

☒ Submit to search and seizure. - See Addendum

☐ Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.

☐ Cooperate with Probation Department in any plan for counseling or treatment.

☐ Seek training, schooling, employment and maintain residence as approved by the Probation Department.

☐ Do not associate with anyone disapproved of by your probation officer.

☐ Do not own, use or possess any type of dangerous or deadly weapon ☐ Term of 10 years.

☐ Court orders weapon destroyed.

☐ Do not drive without a valid driver's license in your possession.

☐ Do not drive without valid insurance.

☒ Use TRUE NAME and Date of Birth at all times.

☐ Carry valid government issued identification card at all times.

☐ Provide the Court with your current address, telephone number, employer's name, address and telephone number. Immediately notify the Court of any changes.

☒ Disclose probation terms upon request of Probation or Law Enforcement Officer.

FINES AND FEES

☐ Pay a fine of \$ _____ + Penalty Assessment on count _____.

☐ Pay a fine of \$ _____ + Penalty Assessment on count _____.

☐ Commit on fine(s) on count(s) _____ for _____ days.

☐ Pay \$ _____ Court Costs on count(s) _____.

☐ Pay \$50 Alcohol Abuse Education Fee. (VC 23645)

☐ Pay \$37 Testing Fee. (PC 1463.14)

☐ Pay \$100 Alcohol Assessment Fee. (VC 23649)

☐ Pay \$50 Lab fee. (PC 1463.14/HS 11372.5)

☐ Pay \$ _____ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (PC 1203.097)

☐ Pay \$ _____ Domestic Violence Prevention Fund. (PC 1203.097(a)(5))

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:

☒ Pay \$ 100.00 State Restitution Fine (minimum of \$100.00) on count(s) _____. (PC 1202.4(b)(1))

☒ Pay \$ 100 Probation Revocation Restitution Fine (minimum of \$100.00). Restitution fine stayed. Effective upon final revocation of probation. (PC 1202.44)

☒ Pay \$40.00 Court Operations Fee (per convicted count). (PC 1465.8)

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION, CONTINUED:

☒ Pay Criminal Conviction Assessment Fee(s) \$30/misdemeanor; \$35/Infraction (per convicted count). (GC 70373(a)(1))

☐ Pay \$10 Citation Processing fee. (GC 29550)

☒ Pay \$25 O.R. fee. (GC 29550)

☐ Booking fees in the amount of \$ _____

☐ Pay costs of formal probation as directed by Probation Officer.

☐ Fines/Fees to be paid forthwith.

☐ Fines/Fees to be paid through Court Collections ☐ forthwith ☐ by _____

☐ Fines/Fees to be paid through Probation.

Additional program fees may be applicable and paid through the program.

JAIL

☐ Serve _____ days Orange County Jail on Count _____.

☐ Serve _____ days Orange County Jail on Count _____.

☐ Jail to be served through the City of _____.

☐ Credit for _____ actual + _____ = total _____.

☐ Work release denied ☐ Electronic Confinement denied

☐ County Work Program denied

☐ JAIL STAYED to _____ at _____ am/pm. Report to ☐ Theo Lacy ☐ Orange County Jail-Intake Release Center.

☐ May be released to an authorized representative of the _____ program to serve remainder of jail sentence.

☐ Serve _____ weekends at _____ Jail (no good time or work time to be applied to original sentence).

☐ Sentence(s) to run consecutive / concurrent to each other / any other sentence / Case No: _____.

☐ Jail stayed to _____ pending successful completion of

☐ Probation ☐ Community Service ☐ Cal Trans

☐ Cal Trans/Physical Labor by _____.

☐ Receive day for day credit. If program not completed, full jail sentence to be imposed with no credit for time served.

☐ To be served in State Prison concurrently.

☐ Book and release and show proof by _____.

RESTITUTION

☐ Make Restitution in the amount of \$ _____ or as determined through ☐ Victim Witness ☐ Probation, with interest at the rate of 10% ☐ from the date of sentencing ☐ from the date of loss.

☐ Pay \$ _____ to Victim Witness Emergency Fund by _____ (PC 1203.1(j))

☐ Pay cost of counseling to the victim and/or children in the amount of \$ _____.

☐ Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.

☐ Complete and return Statement of Assets form by _____.

INFERIOR COURT OF CALIFORNIA, COUNTY OF OR
MISDEMEANOR SENTENCE RECOMMENDATION

PEOPLE VS Manuel Reynoso

ALCOHOL & DRUG/PROGRAMS/DRIVERS LICENSE

Complete 1st Offender Program:

- ☐ 3 month program ☐ 6 month ☐ 9 month
☐ Complete Multiple Offender - 18 month
☐ 12 hour program
- ☐ Attend MADD Victim Impact Panel. Proof of completion due to Case Processing by _____.
- ☐ Attend and complete _____ self help and/or Alcoholics Anonymous meetings ☐ self help and/or Narcotics Anonymous meetings ☐ per day ☐ per week ☐ per month. Proof due by _____.
- ☐ Court designates defendant a Habitual Offender. (VC 13350(b))
- ☐ Driving privilege suspended for 1 year pursuant to:
☐ VC 13202 (Vehicle conviction related to controlled substances)
☐ VC 13202.5 (Alcohol / Drugs under the age of 21)
☐ VC 13202.6 (Vandalism)
- ☐ Complete Youthful Alcohol & Drug Deterrence Program and show proof to Case Processing by _____.
- ☐ Install Ignition Interlock Device on vehicles owned and/or operated by defendant for _____ months ☐ years (up to 3 years maximum).
- ☐ Consume no alcoholic beverages and do not be present in any establishment where alcohol is primary item of sale.
- ☐ Do not drive with a measurable amount of alcohol in blood system.
- ☐ Submit to a chemical test of blood on demand of any peace officer or probation officer.
- ☐ Enroll and complete PC 1210 program. Proof of enrollment due by _____. Refer to PC 1210 Addendum
- ☐ Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
☐ HS 11590 (narcotics offense)
☐ PC 186.30 (gang related offense)
☐ PC 457.1 (arson offense) - Lifetime registration
☐ PC 290 (sex offense) - Lifetime registration
- ☐ Submit to AIDS testing. Proof due to Department _____ by _____.
- ☐ Attend and complete AIDS Prevention Education. Proof of completion due to Case Processing by _____.

DOMESTIC VIOLENCE

- ☐ Complete Batterers' Treatment Program. (52 weeks active participation required)
☐ Alcohol/Drug Component
☐ Total abstinence from alcohol and drugs
☐ Test alcohol and drugs (blood or urine only)
☐ Parenting component

CASE NUMBER

11CM16749

DOMESTIC VIOLENCE, continued

- ☐ One year Child Abuser's Program.
☐ Health Care Agency Perinatal Program.
☐ Other program(s) _____ weeks
☐ months ☐ years active participation required.
☐ Proof of enrollment due to the Judicial Assistant by _____.
☐ Comply with Court protective order.
☐ Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.

COMMUNITY SERVICE / OTHER PROGRAMS

- ☒ Complete 40 ☒ hours ☐ days of ☒ Comm. Service
☐ Cal Trans ☐ Cal Trans/Physical Labor
☐ in lieu of fines ☐ in lieu of jail
☐ Complete Graffiti Removal as to count(s) _____.
☐ Proof of completion due to Case Processing by _____.

ADDITIONAL TERMS & CONDITIONS

- ☐ Have no contact with _____.
☐ Stay _____ miles ☐ yards away from _____.
☐ Obey all rules of Court ordered program. Do not leave the program without Court approval.
☐ Probation to ☐ terminate ☐ be modified to informal status upon _____.

ADDENDUMS

- ☐ PC 1210 with Disclosure ☐ Gang ☐ Graffiti
☒ Obey all Terms and Conditions of attached 9 Plea agreement and addendum to certified Plea Form incorporated here by reference.
☐ REPORT ☐ forthwith ☐ by stay date to:
☐ Collections ☐ Case Processing ☐ Judicial Assistant
☐ OneOC ☐ Alcohol Liaison ☐ Probation
☐ District Attorney ☐ Victim Witness ☐ _____

OTHER

NOTICE TO DEFENDANT: After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code Section 1203.4. This notice does not apply to any protective orders.

I have read, I understand, and I accept these terms and conditions of probation.

Date: 5-24-12 Defendant's Signature: _____ D.A. / C.A. Signature: _____
 Defense Counsel Signature: _____

1 TONY RACKAUCKAS, DISTRICT ATTORNEY
2 COUNTY OF ORANGE, STATE OF CALIFORNIA
3 BY: WILLIAM FALLON
4 Deputy District Attorney
5 State Bar Number 190986
6 POST OFFICE BOX 808
7 SANTA ANA, CALIFORNIA 92702
8 TELEPHONE: (714) 834-3600
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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

MANUEL PADILLA REYNOSO

Defendant(s)

Case No.: 11CM16749

PLEA AGREEMENT AND
ADDENDUM TO CERTIFIED PLEA
FORM

This plea agreement is filed concurrently with a Superior Court guilty plea form describing the guilty plea by defendant Manuel Padilla Reynoso to two misdemeanor violations of Health and Safety Code section 25189.5, subdivision (d), one misdemeanor violation of Health and Safety Code section 25190, one misdemeanor violation of Health and Safety Code section 12691, and one misdemeanor violation of Health and Safety Code section 25514.3 and 2550, subdivision (a). This agreement incorporates by reference all advisements, waivers, terms and conditions contained in the certified plea form.

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2 **FACTUAL BASIS**

3 Defendant Manuel Padilla Reynoso offers to the court the following facts as the basis for
4 his guilty pleas to Counts 1, 2, 6, 8, and 10.

5 **COUNT 1**

6 In Orange County, on April 6, 2011, defendant MANUEL PADILLA REYNOSO
7 knowingly and unlawfully stored hazardous waste at a facility (OC Metal Processing) that is not
8 authorized by the Hazardous Waste Treatment Reform Act of 1995 to store hazardous waste.
9 Defendant reasonably should have known that the storage of this hazardous waste was at a
10 facility which did not have a permit from the Department of Toxic Substances Control.

11 **COUNT 2**

12 In Orange County, on April 6, 2011, defendant MANUEL PADILLA REYNOSO
13 knowingly and unlawfully violated a provision of the Hazardous Waste Control Law
14 (specifically Title 22 of the California Code of Regulations section 66262.11) when he, as a
15 generator of hazardous waste, failed to properly make a determination of whether waste he was
16 generating was, in fact, hazardous.

17 **COUNT 6**

18 In Orange County, on December 6, 2011, defendant MANUEL PADILLA REYNOSO
19 knowingly and unlawfully stored hazardous waste at a facility (OC Metal Processing) that is not
20 authorized by the Hazardous Waste Treatment Reform Act of 1995 to store hazardous waste.
21 Defendant reasonably should have known that the storage of this hazardous waste was at a
22 facility which did not have a permit from the Department of Toxic Substances Control.

23 **COUNT 8**

24 In Orange County, on December 6, 2011, defendant MANUEL PADILLA REYNOSO,
25 unlawfully violated a provision of the California Fire Code which is enforced by the Fire
26 Marshall (specifically California Fire Code section 2704.2.2.2) when he failed to separate acids
27 that were incompatible with a cyanide solution (which were being used as materials in an open
28 plating system) from each other in the secondary containment system.

COUNT 10

In Orange County, on April 6, 2011, defendant MANUEL PADILLA REYNOSO violated the Hazardous Materials Release Response Plans and Inventory Law pursuant to Health and Safety Code sections 25514.3 and 25505(a), when he, as a handler of hazardous materials, failed to submit a business plan which would identify and label all reportable quantities of hazardous materials that existed in his business (OC Metal Processing) to the proper administering agency, Fullerton Fire Department.

PROBATION/SENTENCING

Imposition of sentence suspended on counts 1, 2, 6, 8, and 10, and defendant MANUEL PADILLA REYNOSO is placed on probation for five (5) years.

TERMS AND CONDITIONS OF PROBATION

- 1) The Probation Department is relieved of supervision.
- 2) Defendant shall serve 120 days in Orange County Jail. This jail sentence will be stayed pending successful completion of all terms and conditions of probation as set forth in paragraph 27.
- 3) Submit to Search and Seizure, including, but not limited to the following:
 - a) Waiver of all rights under the Fourth and Fourteenth Amendments to the United States Constitution and further agree that all property owned or under the control of Manuel Padilla Reynoso, including all buildings whether office, manufacturing, or storage related, all lands, all storage areas and containers of any kind, all waste disposal containers or conduit, all vehicles used in the transport of products or materials related to an ongoing business, may be searched at any time of the day or night with or without reasonable cause or reasonable suspicion by any Federal, State, or County law enforcement or regulatory agency, for any substance used or produced (whether directly or as waste or byproduct) in any ongoing business, any condition relating to any tools, equipment, or machinery used in any ongoing business. Records including documents and computer records on which a claim of privilege is asserted are still subject to seizure, however, these records will be sealed and brought to a competent court for determination

1 as to the applicability and extent of any privilege asserted or claimed by the defendant.
2 This term and condition applies to any business in which either defendant engages or by
3 which either defendant is employed (if that business engages in conduct that directly or
4 indirectly generates hazardous waste).
5 4) Obey all laws, orders, rules and permit requirements of the Court, the Orange County
6 Health Care Agency - Environmental Health Division, City of Fullerton Fire Department, City of
7 Fullerton Building Department, California Occupational Safety (OSHA), the Orange County
8 Sanitation District, Orange County Public Works, City of Fullerton Public Works, the Santa Ana
9 Regional Water Quality Control Board, the California Department of Toxic Substance Control,
10 and the United States Environmental Protection Agency.
11 5) Defendant MANUEL PADILLA REYNOSO shall train any current and future
12 employees in the proper management and handling of hazardous waste and hazardous materials.
13 This training shall be mandatory for all employees who might possibly come into contact with
14 hazardous waste or materials either through the consolidation of waste materials, movement of
15 waste materials, or through any other activity at the business through which the employee works
16 with or is exposed to hazardous materials or hazardous waste. This training shall be conducted
17 by a company who is approved by the Orange County Health Care Agency - Environmental
18 Health Division. Defendant shall keep records of this training for all required employees on site
19 and available for inspection as prescribed by law and for the entire term of probation.
20 *Within 4 months of this guilty plea, Defendant must*
21 6) Obtain and maintain any and all legally required ~~financial bonds~~ *(wastewater treatment system)* for financial assurance *(s)*
22 in the event of a facility closure and stay in compliance with annual financial assurance
23 requirements as enforced by the Orange County Health Care Agency - Environmental Health
24 Division.
25 7) Within ~~30~~ *90* days of this guilty plea, Defendant must pay all outstanding CUPA
26 consolidated billing requirements and other outstanding and unpaid fees including, but not
27 limited to: annual fees such as City of Fullerton Fire Department, Orange County Health Care
28 Agency - Environmental Health Division for the hazardous waste generator program and tiered

1 | permitting, and the State of California -- Department of Toxics Substances Control for the
2 | manifest review program. This deadline of ~~180~~²⁷⁰ days will not be extended,
3 | 8) In the event defendant does not reopen the business currently located at 1711 Kimberly
4 | Ave, Fullerton, CA 92634, known as OC Metal Processing, defendant must follow all facility
5 | closure requirements, including, but not limited to those set forth in Title 22 CCR 67450.3(a)(13)
6 | and California Fire Code section 2701.5.
7 | 9) Defendant shall submit a true and accurate copy of the written closure plan as required
8 | pursuant to Title 22 CCR 67450.3(a)(13) to the Orange County Health Care Agency --
9 | Environmental Health Division within 30 days of this guilty plea.
10 | 10) Defendant shall, implement, maintain, and submit to the Fullerton Fire Department,
11 | which is the administering agency (as defined in Health and Safety Code sections 25501 and
12 | 25502), a complete hazardous materials business plan, as required by Health and Safety Code
13 | sections 25504 and 25505 and California Code of Regulations, Title 19, section 2729, as
14 | applicable. This hazardous materials business plan shall include procedures for emergency
15 | response to a release or threatened release of hazardous materials, as required by Health and
16 | Safety Code section 25503.5. Such plan shall also include an employee training program that
17 | meets the requirements of Health and Safety Code section 25504, subdivisions (a) and (c), and
18 | California Code of Regulations, Title 19, section 2732.
19 | 11) Defendant shall lawfully dispose, or cause the disposal of, at a point authorized or
20 | permitted by the DTSC, each hazardous waste it generates: (1) from business operations
21 | conducted at 1711 Kimberly Ave, Fullerton, CA 92634, known as OC Metal Processing; (2)
22 | business operations conducted directly or indirectly by defendant at any other location; (3) as a
23 | result of the closure of the business located at 1711 Kimberly Ave, Fullerton, CA 92634, known
24 | as OC Metal Processing, all in accordance with Health & Safety Code sections 25189 and
25 | 25189.5 at a landfill or transfer station authorized to receive such hazardous waste. With regard
26 | to this last requirement, defendant is on notice that pursuant to Health and Safety Code section
27 | 25113(a)(2) abandoning hazardous waste is the same as disposing of it, which would be a
28 | violation of Health and Safety Code section 25189.5(b).

- 1 12) Defendant shall properly and lawfully make a determination of any and all waste
2 generated pursuant to the activities set forth in paragraph 11, to determine whether each waste is
3 a "hazardous waste" as required by California Code of Regulations, Title 22, section 66262.11.
- 4 13) Defendant shall lawfully manage and timely dispose of all accumulated hazardous waste
5 from his Facility at least one time during every ninety (90) day period (unless a longer interval is
6 allowed for by law and the Orange County Health Care Agency -- Environmental Health
7 Division). *such as if he refers to a*
- 8 14) Defendant shall not knowingly cause to be deposited, without the permission of the
9 owner, any hazardous substance upon the land of another. *SGG*
- 10 15) Defendant shall timely cause to be prepared and filed with the DTSC a hazardous waste
11 manifest for all hazardous waste that is transported, or submitted for transportation, for offsite
12 handling, treatment, storage, disposal, or any combination thereof, as provided by Health &
13 Safety Code section 25160(b)(3) and California Code of Regulations, Title 22, section 66262.23;
14 and shall timely notify the DTSC by filing an exception report concerning the treatment, storage,
15 or disposal facility's failure to return any executed manifest. *M*
- 16 16) Defendant shall transport, transfer custody of, or cause to be transported, each hazardous
17 waste using a transporter that is properly licensed and registered to do so, as required by Health
18 & Safety Code section 25163. *AM*
- 19 17) Defendant shall contact the transporter and/or the owner or operator of the designated
20 facility which was to receive any hazardous waste to determine the status of the hazardous waste
21 in the event of non-receipt of a copy of the manifest with the handwritten signature of the owner
22 or operator of the designated facility within thirty-five (35) days of the date the waste was
23 accepted by the initial transporter, as provided by Title 22 of the California Code of Regulations
24 section 66262.42. *AM*
- 25 18) Defendant shall manage containers of hazardous waste in accordance with the
26 provisions of California Code of Regulations, Title 22, section 66262.34 and 66265.173. This
27 includes properly labeling all containers. *AM*
- 28

- 1 19) Defendant shall maintain a program for the lawful storage, handling and accumulation of
2 hazardous waste, and for the lawful segregation of hazardous-waste items that are in leaking
3 containers, as provided by Health & Safety Code section 25123.3 and California Code of
4 Regulations, Title 22, sections 66262.34, 66265.173 and 66265.177.
- 5 20) Defendant shall maintain a properly designated and designed hazardous waste storage
6 area, which includes the segregation of hazardous wastes, and shall conduct weekly inspections
7 of hazardous waste storage area at his Facility, as required by California Code of Regulations,
8 Title 22, sections 66262.34 and 66265.174.
- 9 21) Defendant shall properly manage all hazardous materials in a safe and lawful manner and
10 shall keep incompatible materials from sharing the same secondary containment.
- 11 22) Defendant shall keep all hazardous materials and hazardous waste storage containers,
12 including plating tanks, in good working condition and shall lawfully repair or replace any tanks
13 or containers that are leaking or are corroded.
- 14 23) Defendant shall comply with all employee training obligations required by California
15 Code of Regulations, Title 22, section 66265.16, pertaining to the handling of hazardous waste,
16 including, but not limited to, the requirement to maintain for a period of three (3) years, all
17 training documentation for each employee involved in hazardous waste handling at any Facility.
- 18 24) Defendant shall properly manage, mark, and store universal waste, as provided by Title
19 22 of the California Code of Regulations sections 66273.13 - 66273.16 (repealer filed 2-4- 2009)
20 and sections 66273.33 - 66273.36.
- 21 24) Defendant shall supply all necessary safety precautions for employees who work with or
22 who might come into contact with hazardous materials and hazardous waste. This includes all
23 employees whose contact might be limited to handling spills or broken containers of hazardous
24 materials. These safety precautions include, but are not limited to, providing personal protective
25 equipment to employees, and any and all requirements of the California Department of
26 Occupations Safety and Health.
- 27 25) Obey any other term and condition of probation listed on the Tahl form.
28

1 26) Reimburse (within two years of the entering of this guilty plea) the following
2 agencies for costs associated with this case:
3

4 Orange County Health Care Agency – Environmental Health: \$5,789.97

5 Fullerton Fire Department: \$1,214
6

7 a) The separate cashier's check for each agency's reimbursement shall be provided to the
8 District Attorney's Office for disbursement. It should be sent to the following address:

9 Orange County District Attorney's Office
10 Consumer and Environmental Protection Unit
11 401 Civic Center Drive West
12 Santa Ana, California 92701
Attention: Ramona Macias

13 27) Defendant, Manuel Padilla Reynoso's commitment to the Orange County Jail for 120
14 days is stayed pending successful completion of the five year grant of probation. Defendant
15 understands and stipulates that any violation of the above articulated (or any other) terms and
16 conditions of probation, at any time during the 5 year grant of probation (including the failure to
17 pay the costs within the times articulated above or established through the Court) will result in a
18 probation violation at which time the entire 120 days jail sentence will be imposed.

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